

The Gibbons Case

Mark Gibbons vs. W. Crosbie and A. W. Piccott.

The final stage in this remarkable and memorable case was reached yesterday when the plaintiff's counsel announced in Court that a settlement was arrived at whereby the plaintiff receives the full amount sued for and costs. The plaintiff sued for one-third of the net proceeds of the sale of 112 square miles of timber land which was sold for \$5,000. The plaintiff began this case under great difficulties, as he had practically nothing but his own word to stand on against the two defendants, and there was no agreement in writing to evidence his claim. His case was that he (Mark Gibbons) after some conversation with W. Crosbie had made an appointment to go to Mr. Piccott's office in July, 1909, to arrange about taking up the area. He and Crosbie went on July 2nd, 1909, went down to Mr. Piccott's private office. Mr. Piccott was engaged with several men, who went out when Gibbons and Crosbie went in. That day, Gibbons went in and got a map and laid it out on the table. Piccott sat on one side of the table and Gibbons and Crosbie on the other side. Gibbons said that at this meeting they agreed that the property at Maclees Lake was to be taken up in W. Crosbie's name and that Piccott was to see that the rentals were paid, and that they were to share and share alike in the proceeds, and that when he pointed the area out to them on the map and described and gave them the boundaries, and that Crosbie was to have it gazetted at once, which he did. The property was sold in February, 1911, for \$5,000, and the defendants refused to pay Gibbons his share or to recognize his claim whatever. Piccott in his evidence said that he was W. Crosbie's agent in all that he did, and that there was no agreement made in his office to give Gibbons any share; that he wrote a letter to Mr. Mews in May, 1911, saying that Gibbons had given him the boundaries and that he had given the boundaries to Crosbie. He said in reference to that letter that Gibbons did not give him the boundaries at the meeting in his office, nor at any time before, but that it must have been some time afterwards. But he also said that he (Piccott) must have given Gibbons the boundaries before the property was gazetted. It was gazetted on July 3rd, 1909, the day of this meeting. Piccott said Gibbons had many conversations with him in 1909 and 1910 about this land, asking if it was sold, and Piccott would answer, not that he knew of it, and so forth. That day (the purchaser) went to Gambo to look at the area. Gibbons wrote him (Piccott) letters telling him what the cruisers had said and what he had seen the timber and that he answered these letters. Piccott's first letter in reply was as follows:—

Department Marine & Fisheries, St. John's, Newfoundland.

February 13th, 1911.
Dear Mark—Your letter of the 10th instant to hand. Soy is here in town and tells me that the map he had to go over the ground reports only 12 miles of timber land. Can this really be true? If it is, you were badly mistaken when you advised Crosbie to take out a grant for it. I surely thought there were more than 12 miles timber land there; certainly there must be something wrong somewhere, but I suppose this man Brown, whom you say has returned and is sending in his report, cannot be giving a true statement. Either he or yourself is wrong.

Received samples asbestos. What about taking out the claims for it? I will go in with you if you will give me the chance. If you do, write me and I will have the claims taken out at once. It looks good, but the party to whom I showed it said it was pity that the fibre is so short. I do not know anything about this stuff but if you had it analyzed in Canada as you say you did, you know what the report says. Let me know when you intend to do and I will clap the grips on it immediately.

Yours in haste,
A. W. PICCOTT.
Pro. T. S. D.
Mr. Mark Gibbons, Gambo.

Gibbons' second letter of February 15th gave further details of what the cruisers had reported. Soy came to town and made an agreement to buy the property on Feb. 18, 1911, for \$5,000. The agreement was signed by John C. Crosbie on behalf of W. Crosbie, who was away. Piccott went to Botwood on Feb. 13 and came back about the 20th of February. Soy left St. John's by the express on Feb. 19th, and going through Gambo had said that he agreed to buy the property. Gibbons said he then wrote a third letter to Piccott, asking him to share Piccott denied getting this third letter, and on Feb. 24th he wrote Gibbons as follows:—

Department Marine & Fisheries, St. John's, Newfoundland.

February 24th, 1911.
Dear Sir—Before I went to Botwood I was not willing to sell the timber land for what was offered, but as far as I was concerned, of course the land belonged to Mr. Crosbie, and neither you nor myself have anything more to say in it. It is true I helped to pay the rentals. I was at Botwood one week. When I came back Soy was gone and I have not seen Mr. Crosbie since, so that I cannot give you any information as to what was done, or what they intend to do, and know no more about it than yourself.

Yours in haste,
A. W. PICCOTT.
Mr. Mark Gibbons, Gambo.

Piccott also said that when he wrote this letter he did not know that the property was sold, but wanted to tell Gibbons that he had no right to be interested in this timber land, although W. Crosbie had not told him to tell Gibbons that he (Gibbons) was not to have anything further to say in it. He also said that although he signed a note for part of the rentals, he did not pay any, as John C. Crosbie paid them. W. Crosbie in his evidence admitted getting from Gibbons all information about the timber land, but said Gibbons gave it to him for nothing. He admitted meeting Gibbons in Piccott's private office, but said he met him there by accident and not by ap-

Demonstration For Coaker,

NONE FOR WATSON.

Special Evening Telegram.

CATALINA, Nfld., June 18. Mr. Coaker arrived here last evening from Port Rexton. The citizens expecting him about four, dressed in town with hunting in honor of the famous visitor. This was done because Watson arrived by morning's train and had the hunting been displayed before the President's arrival he would think it was for him. As soon as the people knew Coaker had arrived, volleys of musketry resounded through the air, which was kept up for nearly two hours. At 8 the Orange band started from the hall, preceded by the residence of Chairman White, whose guest the President was. The whole concourse of people then returned to the hall, the band playing lively marches and the crowd cheering. The President spoke for nearly three hours to a crowded hall of Union members. His speech dealt with the attacks of the Chronicle and Plaindealer and the Morison Memorial. At ten the audience formed a procession and headed by the band paraded the town, cheering for Coaker and the Union. At Coleridge's Hotel, where Watson was staying, cheers were given for President Coaker. Watson was an eyewitness of the demonstration and saw the display of musketry and heard the roar of musketry for two hours. The parade returned to the hall at eleven, when a display of fireworks lit up by stage power entertained them. Thus Catalina honoured our President and answered the mad ravings of the Tory papers and the villain, McGrath. Now the country can estimate what injury the dirty attack has done to the Tory gang. The people are more determined than ever to support the Union. Watson reported here on arrival that Coaker received a wonderful reception at Port Rexton. No one noticed Watson, while the whole populace turned out at 5 in the morning to honor Coaker. We will stand by Coaker, sink or swim, is the determination of the Fishermen. Governor Williams is strongly condemned for inaction re Morison charges. The people won't be lulled; they demand action immediately. The people here are surprised over the Governor's attempt to bluff Coaker, by claiming the appeal for justice was directed to the Secretary of State. Our President will leave for Change Islands by the Fogota this evening, and may live and the Union forever is our prayer.

H. W. LITTLE,
JOHN JOY,
WM. T. JEANS.

pointment; that he wrote out the Gazette notice himself and brought his written notice to the Gazette Office on July 3rd, '09. When he was confronted with the typewritten notice he could not say who typewrote it for him. Afterwards he remembered, and he was nearly positive about it that he got it typewritten in Hon. J. C. Crosbie's office. On the appeal Thomas Devine proved that this notice was typewritten in the Marine & Fisheries Office, and W. Crosbie did not go in the box to deny it. There were many discrepancies or contradictions in the evidence given by the defendants. Mr. Piccott, very not in Court when Crosbie gave his evidence. A most curious circumstance in the case was the fact that Crosbie and Piccott said that they did not negotiate the sale of the property and did not know who did, and Piccott said he did not enquire.

Hon. J. C. Crosbie gave evidence and said he signed the agreement of sale on Feb. 18, '11, but that he did not negotiate the sale. Whilst Mr. Soy, who bought the property, said in his evidence, which was given Dec. 1st, 1911:—

"The first conversation I had was with A. W. Piccott, Minister of Marine and Fisheries. The first man I had a conversation with at all was James W. Gray, and he had no interest in it that I know of and he brought me to Piccott. I had a conversation with Walter Crosbie afterwards, and we broke off; we could do no business. I wrote John C. Crosbie and made him an offer, and that afternoon we came together and made an agreement for the sale and paid a deposit of \$300 with Howley, a lawyer. Left it in abeyance for to do certain things. I do not remember of anybody else."

At the trial judgment was given for the defendants, and on the appeal the Court recommended a settlement, which was afterwards done as regards the defendant Crosbie, and thereby obviated the necessity of a final judgment.

Mr. Mews was counsel for the plaintiff and Mr. Howley, K.C., was for the defendants.

Here and There.

CARTHAGINIAN LEFT.—The R. M. S. Carthaginian left Philadelphia Sunday evening for here.

INLAND FISHERY.—Tourist Bradley who is staying at Tompkins Hotel, in Springton Pool yesterday took 2 salmon, 10 and 16 lbs. B. Cormier was his guide.

Just received: Pure White Emulsion of Cod Liver Oil 25 and 40 cents a bottle. STAFFORD'S Drug Store, June 13th.

HERE FOR COAL.—The whaler Hawk, Capt. Smith, arrived from Cape Broyle, where she is operating this morning, for a supply of coal. The Hawk has only caught eight whales to date.

A WORD TO THE WISE.—We have no time to write long windy "ads," but we just want to say that our tailoring business, in points of cutting, fitting and workmanship, has no superior in Newfoundland, and we can back up this assertion by the garments produced from our shop compared with any other. SPURRELL BROS., 365 Water Street, next door to Parker & Monroe's. June 10th.

MINARD'S LIMENT CURES GARTS GET IN COWS.

Absolute Satisfaction

In Quality, Style and Fit.

With us it is not so much what you buy but how well we satisfy you.

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Many women gratify their taste for the beautiful by wearing the Finest of Lingerie.

We have received a new lot. You will find here

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In beautiful profusion. Garments unparalleled for

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Bananas!
Just arrived:
60 bunches
Bananas,
Ex "Almeriana"
To-Day.
GEORGE NEAL.

Supreme Court.

Before the Full Bench.

A. W. Bishop who was found guilty of conspiring to cast away the vessel "Annie Raymond" was up for sentence this morning at 11 o'clock. The Chief Justice pronounced sentence, which was that the prisoner, serve three years with hard labor, sentence to begin to run from expiration of his present sentence of 12 months.

Herbert Barrett was next sentenced for complicity in the same matter his sentence is two years, to run from date of his arrest. The Chief Justice stated that the reason why leniency was shown in this case was because of the age of the prisoner, who is quite an old man.

Arthur Barrett was next dealt with, his sentence was one year with hard labor to date from the time of his arrest.

When the other prisoner, Walter Smith, guilty of complicity in this matter came up for sentence, the Deputy Minister of Justice moved that he be released on suspended sentence, on the ground that he had been of material assistance to the prosecution. He was thereupon, after the judges had conferred for a moment or two, released on suspended sentence. The Court then rose till Saturday.

Letter From Mr. A. B. Morine.

Editor Evening Telegram.

Dear Sir—In the course of some remarks entitled "What a Difference," in the Telegram dated May 30th last, you represent that Premier Borden, after inquiry, accepted my resignation because he held that certain matters in which I was concerned in Newfoundland were incompatible with my continuation in office. Naturally enough, perhaps, you have fallen into an error which is unjust to me. Premier Borden has made no inquiry about me, as the result of the Carvell charges. My resignation was tendered immediately after the charges were made because I felt that my usefulness in the peculiar position I held would be destroyed by the mere discussion of my personal affairs, especially as the charges related to matters very largely of a partisan political character. The resignation was meant to take place at once, but I was requested to finish certain pending inquiries of a public character, and they took longer than was expected.

Yours truly,

ALFRED B. MORINE.
Ottawa, June 11th, 1912.

Labor Day Celebration.

It is unlikely that the proposed Labor Day mammoth parade and attending functions, which were set down to take place on July 3rd, and in which all unions in the city would participate, will materialize this year. The various union Presidents discussed the matter last evening when Delegate McGrath pointed out that the Longshoremen's Union were under heavy financial obligations at the present juncture. He further intimated that the L. S. P. U. could not assume the financial responsibility of former years in connection with the parade. Consequently in view of the lack of support and co-operation from minor organizations this year's event will be called off.

Cricketana.

To-morrow an interesting cricket match will be played between the C. L. B. and a City team chosen by that veteran willow wielder Mr. P. J. Myler. The contest will take place on St. George's Field and should attract many lovers of the game. The proceeds will be divided between the city orphanages. As will be seen from the names of the players appended, some of the best batmen and all round cricketers in the city will play. The teams will be:—

City—J. S. Munn (Capt.), T. C. Fitzherbert, J. J. Grieve, F. Donnelly, F. Bowring, H. W. Dickinson, W. H. Peters, T. H. Hayward, W. Hazell, H. Winter, Gerald Ayre.
C. L. B.—R. F. Goodridge (Capt.), N. H. Alderdice, Dr. Bowring, E. A. Bowring, Rev. J. Brinton, Rev. H. Hewitt, E. C. Bayley, J. A. Winter, C. Carter, A. Blackall, H. Hayward.

Mortality Money Paid.

The Longshoremen's Union held their regular monthly meeting last evening after the dues and fines were collected the sum of three hundred dollars (\$300.00), mortality money and divided into five amounts of sixty dollars (\$60.00) each, was handed over to relatives of deceased members of the Union who went down in the ill-fated S. S. Etna. Before the close of the meeting President McGrath occupied the platform for some time and made pathetic and inspiring references to the departed members which touched the hearts of all present.

SEWING MACHINE SALE.—Attention is called to our sale of Sewing Machines. Reduced prices, last two weeks longer. CHEBLEY WOODS, June 14.

Choice CONFECTIONERY and Fruit Syrups. QUALITY THE VERY BEST. PRICES MODERATE.

Some of our leading lines:
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EXTRA STRONG DO ONE CENT CANDIES,
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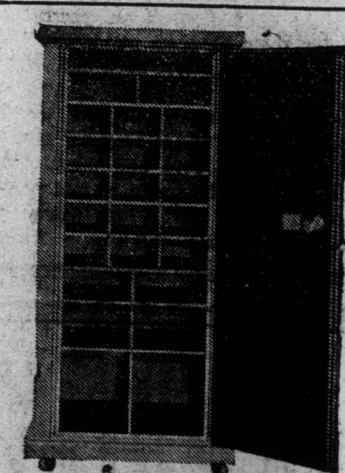
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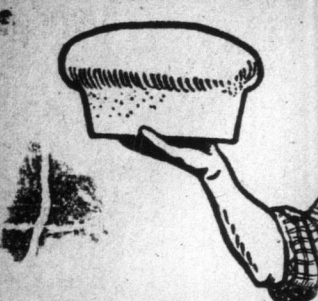


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Then you will have a cabinet that does all a wooden file can do plus this most important thing—protects your papers from fire, theft, dust and moisture. Measured by price alone, anyone can afford to buy The Safe-Cabinet. Measured by value, no one can afford to be without it.

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R. G. ASH & CO., St. John's

Cable News.

Special Evening Telegram.

OTTAWA, June 17. The Supreme Court this morning gave judgment in the marriage case referred to them by the Government, and rising out of the Lancaster Marriage Bill of last session. The decision of the Supreme Court is that Parliament has no authority to pass the Lancaster Bill. This means that jurisdiction is entirely with the Provinces. The Court also declares that the law of Quebec does not render null and void any mixed marriages, whether performed before a Roman Catholic priest or a Protestant clergyman. The Government will immediately appeal to the Privy Council.

Special Evening Telegram.

NEW YORK, June 17. The trade organization recently formed by 6,000 Kosher butchers in Greater New York to combat the increased wholesale prices of meats, today ordered all its members to close their shops to-morrow as a protest against the wholesalers' action. In this way it is expected that the meat supply of more than 300,000 persons will be cut off, and the wholesale dealers will be left with an immense quantity of meat on their hands. More than 2,000 Kosher butchers will be driven out of business by the end of June, it is declared, unless the price of meat is lowered.

Special Evening Telegram.

PEKING, June 17. The non-payment of soldiers' wages is causing serious dissatisfaction. A division of Manchurian troops quartered for the summer near the palace started for Peking with the intention of compelling the authorities to pay their arrears of wages. President Yuan Shih's troops intercepted them, arresting the leaders. Reports from other provinces foreshadow further outbreaks unless the troops are paid. On an urgent appeal, the big Chinese government group of international bankers this morning agreed to advance \$2,000,000 in order to avert a crisis.

Special Evening Telegram.

TOKIO, June 17. Five were killed to-day and sixty injured, many of them seriously, when a passenger train carrying a battalion of infantry, bound for China, derailed.

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2 oz. bottles. 7 lb.

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G'NGER SPECIALTIES. A Sure Sign of Public Confidence

Crystallized Ginger Cubes—1 lb. glasses.
Preserved Ginger Stems—1 lb. glasses.
Ginger Cubes in Syrup—1 lb. glasses.
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Chylcon Ginger—in 1 and 1/2 jars.

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